

GARLICK HARRISON & MARKISON

P. O. Box 160727

Austin, TX 78716-0727

FACSIMILE TRANSMITTAL SHEET

TO:	Director of the PTO Office of Finance	FROM:	Melanie Murdock
FAX NUMBER:	15712736500	DATE:	08/28/2008
RE:	Requests for Refund	TOTAL NO. OF PAGES INCLUDING COVER:	4

URGENT	FOR REVIEW	PLEASE COMMENT	PLEASE REPLY	INFORMATIONAL
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NOTES/COMMENTS:

The following Requests for Refund were faxed to an incorrect fax number in July 2008. Please process these requests at your earliest convenience.

Should you have any questions or need additional information, please contact me.

Thank you.

Melanie Murdock, Paralegal

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July 1, 2008

Director of the USPTO
M/S 16
P. O. Box 1450
Alexandria, VA 22313-1450

Faxed to 571-273-0159

RE: Request for Refund (37 CFR 1.26(a))
Application No. 10/664,824
GHM Deposit Account No. 50-2126

Dear Sir:

On June 23, 2008, the USPTO charged \$460 to the above-referenced Deposit Account for a two-month extension of time (Fee Code 1252). As explained below, Applicants believe that this amount was charged in error.

1. A Final Office Action was mailed by the PTO on January 9, 2008.
2. On Monday, March 10, 2008, Applicants filed a response within prior to the expiration of the two month time period (March 9 was a Sunday).
3. On June 6, 2008, an Advisory Action was mailed by the PTO stating the following:

The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, *whichever is later*. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. [emphasis added]

4. On June 6, 2008, Applicants timely filed a Request for Continued Examination (RCE) and paid the appropriate fee of \$810.

Since the mailing date of the Advisory Action (June 6, 2008) is *later* than the date set forth in the final rejection (April 9, 2008), no extension fee is due.

Director of the USPTO
July 1, 2008
Page 2

Therefore, pursuant to 37 CFR § 1.26(a), Garlick Harrison & Markison respectfully requests a refund in the amount of \$460. This refund should be credited to Deposit Account 50-2126.

Should you have any questions or wish to discuss this matter, please do not hesitate to contact me.

Sincerely,



Melanie Murdock
Paralegal

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 06/23/2008

MMCGEE1 SALE #00000002 Mailroom Dt: 06/06/2008 502126 10664824
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